

REMARKS

In the Office Action, claims 1-4, 6-8, 12 and 16-19 were rejected under 35 USC section 103(a) as being unpatentable over Bujaryn US patent 5,542,746 in view of Childress US patent 2,296,705 and Loescher US patent 5,749,121. Claims 3 and 4 were rejected under 35 USC section 103(a) as being unpatentable over Bujaryn in view of Childress and Loescher, and further in view of Onishi US patent 6,776,452. Claim 5 was rejected under 35 USC section 103(a) as being unpatentable over Bujaryn in view of Childress and Loescher, and further in view of Callegari US patent 6,269,578. Claims 9 and 20 were rejected under 35 USC section 103(a) as being unpatentable over Bujaryn in view of Childress and Loescher, and further in view of Raftery US patent 4,700,430.

While the Office Action set forth a rejection of claims 6 and 8, it is noted that claims 6 and 8 were canceled in the amendment that was previously filed in this application.

By this response, claims 2 and 14 are canceled, such that claims 1, 3-5, 7, 9-12 and 15-20 remained pending in this application. Independent claims 1 and 12 been amended in a manner believed to patentably define over the references.

Claim 1 is amended to state that the upwardly extending seat support member defines a lower end rigidly secured to the base and extending upwardly from the base in a fixed angular relationship relative to the central axial base member, and an upper end spaced above the lower end. Claim 11 is also amended the state that the upwardly extending worksurface support member defines a lower end rigidly secured to the base and extending upwardly from the base in a fixed angular relationship relative to the central axial base member, and an upper end spaced above the lower end. Claim 1 is further amended to state that the upper end of the seat support member defines an upwardly open passage, and that the upper end of the worksurface support member defines an upwardly open passage. In addition, Claim 1 is amended to state that the seat is interconnected with the seat mounting member in a fixed angular relationship, and that seat mounting member is engaged within the upwardly open passage of the seat support member and secures the seat to the seat mounting member in a fixed angular relationship. Claim 1 is further amended to state that the worksurface is interconnected with a worksurface mounting member in a fixed angular relationship, and that the worksurface mounting member is engaged within the upwardly open passage of the worksurface support member and secures the worksurface to the worksurface mounting member in a fixed angular relationship. The seat mounting member is defined as being engaged within the upwardly

open passage of the seat support member such that the seat mounting member and the seat support member function to support the seat above the base. In addition, the worksurface mounting member is defined as being engaged within the upwardly open passage of the worksurface support member such that the worksurface mounting member and the worksurface support member function to support the worksurface above the support surface. Claim 1 is further amended to call for a seat height adjustment arrangement interposed between the seat mounting member and the seat support member for varying the elevation of the seat of the support surface, and to call for a worksurface height adjustment arrangement interposed between the worksurface mounting member and the worksurface support member for varying the elevation of the worksurface above the support surface.

The references do not show or suggest the subject matter of amended claim 1.

In particular, the primary Bujaryn reference discloses a seating arrangement in which the angular position of both the seat and the worksurface can be adjusted relative to the base. The worksurface support is connected to the base by means of a pivot connection in which an eye bolt is aligned with an opening in the lower end of the worksurface support. A bolt, nut and washer combination is engaged through the aligned openings to pivotably mount the worksurface support to the base, to enable adjustment in the angle of the worksurface. In addition, the seat is connected to a seat mounting bracket 6 that provides adjustability in the angle of the seat. With this construction, the components of the seating system illustrated in the Bujaryn reference can be moved to varying positions as is evidenced throughout the description and drawings.

In direct contrast, the present invention as defined in amended claim 1 provides a desk in which the seat and the worksurface are in a fixed angular relationship relative to the respective support members, and in which the seat and worksurface support members are rigidly secured to the central axial base member and extend upwardly from the central axial base member in a fixed angular relationship. This unique construction is well suited for a classroom or educational environment, in which it is important to provide quick and easy ingress and egress to and from the seat. In addition, the unique desk construction as defined in amended claim 1 allows users to adjust the height of both the seat and the worksurface, which enables a user to quickly and easily configure the desk to suit his or her own unique ergonomic requirements.

The secondary Childress and Loescher references add nothing to the disclosure of Bujaryn with respect to the subject matter as set forth in amended claim 1.

For the above reasons, Claim 1 is believed to patentably define over the references, and is allowable. Claims 3-5, 7, and 9-11 depend directly or indirectly from claim 1, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Claim 12 has been amended to further emphasize the unique configuration of the base incorporated in the desk of the present invention. Specifically, claim 12 calls for a base that includes a front transverse base member, a rear transverse base member, and a central axial base member extending between and interconnecting the front and rear transverse base members. Claim 12 also states that the front transverse base member, the rear transverse base member and the central axial base member lie in a common plane oriented parallel to the support surface. In addition, claim 12 states that the rear transverse base member includes a central section that is interconnected with the central axial base member, and a pair of end sections that extend rearwardly and laterally relative to the central section. Each end section is defined as terminating in an outer end. In addition, claim 12 is amended to state that the pair of laterally spaced front rollers are fixed position rollers secured to the front transverse base member on opposite sides of the central axial base member, and that the laterally spaced rear rollers are fixed position rollers secured to the rear transverse base member on opposite sides of the central axial base member. Claim 12 also calls for an upwardly extending seat support member defining a lower end secured to the base. The rear rollers are defined as being interconnected with the end sections of the rear transverse base member, and as being located toward the outer end of the end sections. The rear rollers are further defined as being positioned so as to be located outwardly and rearwardly relative to the seat. Furthermore, claim 12 is amended to state that the fixed position front rollers are oriented generally parallel to the central axial base member and perpendicular to the front transverse base member, and that the fixed position rear rollers are oriented generally parallel to the central axial base member and parallel to the central section of the rear transverse base member. In addition, claim 12 is amended to call for a handle arrangement associated with the back portion of the seat. Claim 12 is amended to state that, upon application of an upward force on the handle arrangement by a user, the user is able to lift the rear rollers off the support surface so as to enable axial movement of the mobile desk on the support surface using the front rollers. Claim 12 is further amended to state that, upon application of a lateral force on the handle by a user, the user is able to move the mobile desk laterally on the support surface by lateral movement of the rear rollers and pivoting movement of the front rollers.

The references do not show or suggest the subject matter of amended claim 12. In particular, the primary Bujaryn reference shows a base construction in which a number of arms, including a rearwardly extending arm, extend outwardly from a central hub that is located below the seat. The pair of arms extend outwardly in opposite directions from the sides of the seat, in combination with a single rearwardly extending arm. In contrast, the present invention as set forth in amended claim 12 contemplates a transverse, rear base member that has end portions that extend rearwardly and outwardly relative to a central section, with the rear rollers being located rearwardly of the seat. Again, this construction provides a clean, easily accessible desk which resists rearward tipping movement of the seat without the inconvenience caused by an arm that extends directly rearwardly from the seat.

Furthermore, none of the references even remotely show or suggest a desk in which a front pair of rollers are oriented axially and a rear pair of rollers are oriented transversely, as claimed, in combination with a handle arrangement associated with a back portion of the seat to enable the rear rollers to be lifted off the support surface when it is desired to move the desk axially using the front rollers, also as claimed.

For the above reasons, amended claim 12 is believed to patentably define over the references. Claims 15-20 depend directly or indirectly from claim 12, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Applicant's attorney has made every effort to please the application into condition for allowance with claims 1, 3-5, 7, 9-12 and 15-20, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

By 
Andrew S. McConnell
Reg. No. 32,272

Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203
(414) 225-9755
Customer No.: 23598